

**Town of Sunset Beach  
Monthly Council  
Work Session and Regular Meeting  
May 2, 2011**

**MINUTES**

**Members Present:** Mayor Ronald Klein, Mayor Pro-Tem Lou DeVita, Councilman Bob Bobinski, Councilwoman Karen Joseph, Councilwoman Carol Scott, and Councilman Wilson Sherrill.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Donna Rogers, Finance Director; Dustin Graham, Public Works Department Director; Chris Barbee, Fire Chief; Lisa Massey, Police Chief, Sandy Wood, Chief Building Inspector and Lisa Anglin, Town Clerk.

**Work Session  
6:45 pm**

Mayor Klein called the Work Session to order, called for agenda amendments and general discussions by the Council.

**Draft Agenda Discussion**

**5.22 Acre Tract Purchase Contract**

Councilman Bobinski advised that the owners of the 5.22 acres have reduced the purchase price to \$2,650,000. Councilman Bobinski requested to add Old Business item b. Consideration of Revising the Existing Contract to Accept the Reduced Price.

**Monthly Work Sessions**

Councilwoman Joseph requested to add New Business item c. Consideration of Holding Monthly Work Sessions to allow for more Council discussion.

**Calling for a Public Hearing on the Financing Agreement for the 5.2 Acre Tract Acquisition**

Gary Parker requested the Council to consider adding New Business item d. Consideration of Calling for a Public Hearing on the Financing Agreement for the 5.2 Acre Tract Acquisition.

**Resolution Designating Official to Proceed with RFP from Banks in Connection with the 5.2 Acre Tract Acquisition**

Gary Parker requested the Council to consider adding New Business item e. Consideration of Resolution Designating Official to Proceed with RFP from Banks in connection with the 5.2 Acre Tract Acquisition.

**Work Session (Cont.)**

**Presentation – Hope Sutton – NC Coastal Reserve & National Estuarine Research Reserve**

Gary Parker advised that Hope Sutton is unable to attend this meeting and requested the presentation be removed from the agenda.

**Closed Session**

Attorney Isenberg advised the Council that no new developments concerning the Margaret K. McCarrel litigation have arisen and requested the Council to remove the Closed Session from the agenda.

The Council reached a consensus to make the following changes to the draft agenda:

- Removal of the Presentation by Hope Sutton;
- Removal of the Closed Session;
- Addition to Old Business:
  - b.** Consideration of Revising the Existing Contract to Accept the Reduced Price;
- Addition to New Business:
  - c.** Consideration of holding Monthly Work Sessions;
  - d.** Consideration of Calling for a Public Hearing on the Financing Agreement for the 5.2 Acre Tract Acquisition;
  - e.** Consideration of Resolution Designating Official to Proceed with RFP from Banks in Connection with the 5.2 Acre Tract Acquisition.

**Sandpiper Bay Fire**

Councilwoman Joseph thanked the Sunset Beach Fire Department staff for their commitment and bravery during the recent house fire in Sandpiper Bay. Councilwoman Joseph also thanked the Fire Department staff for their dedication to the residents of Sunset Beach. Councilwoman Joseph advised that the completion of the 2<sup>nd</sup> Fire Station will help to improve response time. The Fire Department received a round of applause from those in attendance.

**Roll Call**

Mayor Pro-Tem DeVita advised that a draft plan for handling the Roll Call issue has been developed and requested the Council to consider discussing this issue at the next meeting.

**Budget Work Sessions**

The Council reached a consensus to schedule the proposed 2011/2012 Budget Work Sessions on Monday, May 16, 2011 and Monday June 13, 2011 both beginning at 9:00 am in the Town Hall Conference Room.

**Monthly Meeting**  
**7:00 pm**

**Call to Order & Pledge of Allegiance**

Mayor Klein called the Monthly Meeting to order at 7:00 pm and the Pledge of Allegiance was recited by those in attendance. A moment of silence was observed for the military.

**Public Comments**

None

**Minutes Approval**

COUNCILMAN BOBINSKI MADE A MOTION TO APPROVE THE APRIL 4, 2011 REGULAR COUNCIL MEETING MINUTES AS WRITTEN. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Departmental Reports**

**Administrator**

Gary Parker informed the Council that the Fire Station #2 pre-construction meeting has been held. Gary Parker reminded the Council of the Planning Board ETJ Alternate Member vacancy. The Council instructed Staff to advertise for the position. Mayor Klein requested the Council and audience to inform residents in the ETJ area of the position.

**Police**

Report submitted in writing and is on file with the Town Clerk. Concerning the no parking issue, Chief Massey advised that due to the signs being back ordered and thereby delaying the installation of the no parking signs, the officers are unable to enforce the parking ordinance.

**Public Works**

Report submitted in writing and is on file with the Town Clerk. The Council discussed the Sewer Project and related construction schedule. The Council requested Gary Parker to contact Brunswick County concerning scheduled work between Memorial Day and Labor Day as the Council thinks that NCDOT will not allow work during the tourist season on Main Street or Sunset Blvd. The Council discussed town-wide sewer installation issues. Councilwoman Scott suggested corresponding with Brunswick County Commissioners Marty Cooke and Phil Norris concerning the County's handling of the sewer project.

**Building Inspections Department**

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

**Fire**

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

**Old Business**

**Consideration of the Adoption of the Sunset Beach Public Records Request Policy**

The Council reviewed and discussed the revised Public Records Request Policy.

COUNCILMAN SHERRILL MADE A MOTION NOT TO ADOPT THE PUBLIC RECORDS REQUEST POLICY. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. COUNCILMAN BOBINSKI, COUNCILMAN SHERRILL AND COUNCILWOMAN SCOTT VOTED YES. MAYOR PRO-TEM DEVITA AND COUNCILWOMAN JOSEPH VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**Consideration of Revising the 5.2 Acre Tract Acquisition Contract Terms to Accept Reduced Purchase Price Offered by the Sellers**

The current Purchase Contract terms for the 5.2 Acre Tract is \$3.4 million contingent upon the Town receiving \$900,000 in grant funding and Local Government Commission (LGC) financing approval for \$2.5 million. The sellers have approached the Town reducing the purchase price to \$2.65 million. The Town has received the Division of Water Resources (DWR) Grant totaling \$150,000.

COUNCILMAN BOBINSKI MADE A MOTION TO ACCEPT THE SELLERS OFFER TO REVISE THE CONTRACT TO REDUCE THE PURCHASE PRICE OF THE 5.2 ACRE TRACT TO \$2.65 MILLION CONTINGENT UPON LGC APPROVAL AND COUNCIL'S APPROVAL OF FINANCING AND TO AUTHORIZE MAYOR RONALD KLEIN AND TOWN ADMINISTRATOR GARY PARKER TO SIGN A REVISED PURCHASE CONTRACT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR DISCUSSION.

Council Members voiced positives and negatives associated with the 5.2 acre tract purchase and each stated their respective positions.

MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN BOBINSKI AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILWOMAN SCOTT AND COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**New Business**

**Presentation of the Proposed FY 2011-2012 Budget**

Gary Parker read the Budget Message and presented the Council with the first draft of the proposed 2011/2012 General Fund and Powell Bill Fund Budget totaling \$5,415,003.

**Consideration of Capital Project Budget Ordinance - Fire Station #2**

Gary Parker advised that before the construction of Fire Station #2 can begin a Capital Improvement Project Budget Ordinance must be adopted.

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE CAPITAL PROJECT BUDGET ORDINANCE FOR FIRE STATION #2. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

**Consideration of Establishing Monthly Work Session Calendar**

The Council discussed the need for monthly work sessions to allow sufficient time for discussion and deliberation on matters of importance to the Town. The Council reached a consensus to allow for a public comment period during each work session.

COUNCILWOMAN JOSEPH MADE A MOTION TO SCHEDULE MONTHLY WORK SESSIONS FOR THE TOWN COUNCIL AT 9:00 AM ON THE 3<sup>RD</sup> TUESDAY OF EACH MONTH BEGINNING IN JUNE, 2011. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Consideration of Calling for a Public Hearing on the Financing Agreement for the 5.2 Acre Tract Acquisition**

COUNCILWOMAN JOSEPH MADE A MOTION TO CALL FOR A PUBLIC HEARING ON THE FINANCING AGREEMENT FOR THE 5.2 ACRE TRACT ACQUISITION FOR JUNE 6, 2011 AT 7:00 PM IN THE TOWN HALL COUNCIL CHAMBERS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN BOBINSKI, COUNCILWOMAN JOSEPH AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**Consideration of Resolution Designating Official to Proceed with RFP from Banks in Connection with the 5.2 Acre Tract Acquisition**

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE RESOLUTION DESIGNATING THE OFFICIAL TO PROCEED WITH RFP FROM BANKS IN CONNECTION WITH THE 5.2 ACRE TRACT ACQUISITION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Marilyn Oliver 7363 Balmore Drive – Asked if appraisals for the 5.2 acre tract have been obtained and if so how the appraisals could be reviewed. Mayor Klein advised that appraisals were done and could be reviewed at Town Hall.

Leonard Jones 617 Eastwood Park Road – Voiced opposition to the 5.2 acre tract purchase.

Gene Method 112 Discovery Lake Drive – Voiced opposition to the 5.2 acre tract purchase.

James Johnston 7503 Moorhen Lane – Advised the Council of water pressure issues within the Sandpiper Bay Community and requested the Council to intervene on their behalf with the County to get the water pressure issue resolved.

Thomas Goldsmith 7403 Balmore Drive – Thanked the Sunset Beach, Calabash, Ocean Isle Beach and Grissettown Fire Departments for their efforts related to the recent fire within the Sandpiper Bay Community. Requested the Council to equip and staff the 2<sup>nd</sup> fire station at the appropriate levels to ensure quicker response times to the outlying communities within the fire district.

**Public Comments (Cont.)**

Edward Apalinski 118 Crooked Gulley Circle – Voiced opposition to allegations that the citizens involved with obtaining petition signatures against the purchase of the 5.2 acre tract are using scare tactics.

Charles Nern 647 Oyster Bay Drive – Voiced dissatisfaction with the sewer construction project and the amount of construction debris left in the communities.

Bill Satterfield 103 Olde Oak Lane – Questioned the meeting rules of procedure and suggested the Council have the petition audited upon receipt.

**Adjournment**

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE MAY 2, 2011 COUNCIL MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

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**Ronald F. Klein, Mayor**

Submitted by:

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**Lisa Anglin, Town Clerk**